THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13154 of 2007

Dated: 25-06-2007

Between:

Mandava Sivananda Rao.

..... PETITIONER

AND

The Zilla Parishad, Prakasam District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13154 of 2007

ORDER:

The petitioner is the chairman of Works Committee of Seetharampuram Gram Panchayat. He was entrusted the work of improvements to the road from Kostalu to Seetharampuram of Maddipadu Mandal (0/5 to 1/0 KM) within the area of Seetharampuram Gram Panchayat. The work has cash component as well rice component. (Total value of work was arrived at Rs.4,95,171/-). The petitioner alleges that after completion of the work an amount of Rs.2,50,000/- being the cash component was paid but the rice component of Rs.31.25 M.Ts. was not released. He approached the respondent for release of the rice component, in vain. Therefore, he filed instant writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development

The question whether a writ of Mandamus can be issued to the appropriate authorities to release the rice component for the work done under Food for Work programme was considered by a Division Bench of this Court in W.P.No.22922 of 2002. By judgment dated 17.03.2003, the Division Bench held that under Food for Work programme, the chairman of the Works Committee cannot enforce a right to seek a writ of Mandamus to release rice component. Following said judgment, this Court as well as another learned Judge dismissed similar writ petitions. In W.P.No.22938 of 2002 on 26.08.2003, this Court held as under.

> However, as noticed hereinabove, the question raised is squarely covered by the judgment of this Court in W.P.No.23196 of 2002 as well as the judgment of the Division Bench of this Court dated 17.03.2003 in W.P.No.22922 of 2002. The Division Bench in W.P.No.22922 of 2002 filed by the same petitioner has held that when the rice has been distributed on the basis of muster roll at the rate of 10 kg. per man day per labour, the petitioner has no enforceable right. Be it noted, the said writ petition was filed by the petitioner in relation to the work 'formation of road from Galipalem to Harizanawada at N.V.Kandriga village'. The observations made by the Division Bench are as under.
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> > The very fact that for doing the work, rice has been distributed to the labourers on muster role basis at the rate of 10 kgs. per man day per labour under the third option as per the guidelines issued by the government, we are of the view that such like writ petitions in which the petitioner has no enforceable right. We are not inclined to

entertain the writ petition under Art.226 of the Constitution of India.

Following the same, this writ petition is dismissed. However, it shall be open to the petitioner to pursue the matter with the respondents. No costs.

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(**V.V.S.RAO, J**)

25th June, 2007
ghn